

# EXHIBIT 2

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TEMUJIN KENSU, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

*Plaintiff,*

v.

JPAY INC.,

*Defendant.*

Case No. 2:18-cv-11086-SFC-PTM

Hon. Sean F. Cox

Mag. Judge Patricia T. Morris

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**DECLARATION OF ELIZABETH HERRINGTON**

I, Elizabeth Herrington, hereby certify pursuant to 28 U.S.C. § 1746 that the factual statements set forth below are true and correct to the best of my knowledge, information, and belief:

1. I am an attorney at law and a partner in the law firm of Morgan, Lewis & Bockius LLP, attorneys of record for Defendant JPay Inc. (“JPay”). The facts stated herein are within my personal knowledge and if called to testify, I could and would competently do so as set forth herein.

2. On April 4, 2018, Plaintiff Temujin Kensu filed a Class Action Complaint for Declaratory Relief, Injunctive Relief and Damages in the United States District Court, Eastern District of Michigan against JPay.

3. On June 1, 2018, I contacted counsel for Plaintiff via telephone to inform him of Defendants' intent to file a motion to compel arbitration of his claims, and a motion to dismiss, and requested that Plaintiff voluntarily dismiss his Complaint and initiate arbitration of his claims pursuant to the Terms of Use.

4. Plaintiff has declined to voluntarily dismiss his Complaint and initiate arbitration pursuant to the Terms of Use.

I declare to under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 1, 2018.

/s/ Elizabeth Herrington  
Elizabeth Herrington (IL#6244547)

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